

Minutes of the Board of Adjustment meeting held on Monday, July 8, 2013, at 5:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Travis Nay, Chair  
Tom Halliday, Vice-Chair  
Preston Olsen  
Chad Wilkinson, Community Development Manager  
Brad McIlrath, Assistant Planner  
G.L. Critchfield, Deputy City Attorney  
Citizens

Excused: Roger Ishino  
Rosi Haidenthaller

The Staff Review meeting was held from 5:15 to 5:30 p.m. The Board of Adjustment members briefly reviewed the applications. An audio recording is available for review in the Community & Economic Development office.

Travis Nay explained that variance requests are reviewed on their own merit and must be based on some type of hardship or unusual circumstance for the property and is based on state outlined criteria, and that financial issues are not considered a hardship.

#### APPROVAL OF MINUTES

Mr. Halliday made a motion to approve the minutes from June 10, 2013 as submitted. Mr. Olsen seconded the motion.

A voice vote was made. The motion passed, 3-0.

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

#### CASE #1471 – CODY & MONICA GILES – 4744 South Rainbow Drive – Project #13-108

Cody and Monica Giles were present to represent this request. Chad Wilkinson reviewed the location and request for an expansion of a nonconforming structure located at 4744 South Rainbow Drive. Murray City Code 17.52.040 allows for a building or structure occupied by a nonconforming use, or a building nonconforming as to height, area, or yard regulations to be added to, enlarged or moved to another location on the lot subject to authorization by the Board of Adjustment. The applicants are requesting Board of Adjustment approval for an addition onto the back of the existing nonconforming residential structure which is nonconforming regarding side yard setback regulations. Salt Lake County Recorder's information show the dwelling was constructed sometime in 1946. The zoning ordinance was adopted in December of 1946. The current zoning regulations require 20 ft. total side yard setback and eight ft. minimum side yard, whereas the existing dwelling has 14 ft. total side yards and one side has a six foot setback. The new addition will comply with the setback requirements of the R-1-8 zone. Based on review and analysis of the application material, subject site and surrounding area, and applicable Murray Municipal Code sections, Community and Economic Development Staff finds that the proposal meets the standards for an expansion/alteration of a nonconforming dwelling; staff recommends approval subject to a condition.

Monica Giles, 4744 South Rainbow Drive, stated there have been several similar homes in the neighborhood. She stated they love their home and wish to stay but need additional room to accommodate their home.

No comments were made by the public.

Mr. Olsen made a motion to grant approval for an expansion/addition to the home as proposed based upon the dwelling being a nonconforming use subject to the following condition:

1. The applicant shall obtain a building permit prior to construction and the proposed addition shall comply with applicable building and fire codes.

Seconded by Mr. Halliday.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Tom Halliday  
A \_\_\_\_\_ Preston Olsen  
A \_\_\_\_\_ Travis Nay

Motion passed, 3-0.

Mr. Halliday made a motion to approve the Findings of Fact as proposed by staff.  
Seconded by Mr. Preston.

A voice vote was made. Motion passed, 3-0.

CASE #1473 – SPRINT – 1966 East 6100 South – Project #13-116

There was no applicant present to represent this request. Brad McIlrath reviewed the location and request for approval for the expansion of a nonconforming wireless communications facility located in the C-N-C zoning district at the property addressed 1966 East 6200 South. Murray City Code 17.52.040 allows for a building or structure occupied by a nonconforming use, or a building nonconforming as to height, area, or yard regulations to be added to, enlarged or moved to another location on the lot subject to authorization by the Board of Adjustment. Representatives of Sprint are requesting Board of Adjustment approval for the expansion of a nonconforming communications facility in the C-N-C zoning district. The C-N-C (Commercial Neighborhood Conditional) zoning district does not allow a new communications facility at this location, but an addition to or expansion of the nonconforming use may be approved by the Board of Adjustment. This communications facility was constructed when this property was part of Salt Lake County and before the area was annexed into Murray City. Sprint proposes to modify and upgrade the communications facility by replacing the three (3) current antennas with three (3) new antennas, and add six (6) remote radio units below the three (3) new antennas. The height of the structure will not be changed or modified, and the area occupied by this communications facility will also remain the same. Based on review and analysis of the application material, subject site and surrounding area, and applicable Murray Municipal Code sections, Community and Economic Development staff finds that the proposal meets the standards for an expansion/alteration of a

nonconforming use or development. Therefore, staff recommends approval subject to a condition.

Mr. Olsen asked the type of business currently located on this property. Mr. McIlrath responded that the existing business is an insurance company and to the east is the IHC Holladay Clinic.

Mr. Nay asked if there is a requirement for the telecommunications equipment to be enclosed and asked if the facility will be increased in overall height. He commented that the poles look newer. Mr. McIlrath responded that the ordinance does not require the equipment to be enclosed and that the overall height will not be increased, but there will be the additional six radio units. He stated the solid masonry fence is not part of the addition.

No comments were made by the public.

Mr. Halliday made a motion to grant approval for the expansion/addition to the nonconforming structure located at 1966 East 6200 South based upon staffs findings and the following condition:

1. The applicant shall obtain the necessary building permit prior to construction.

Seconded by Mr. Olsen.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Tom Halliday  
A \_\_\_\_\_ Preston Olsen  
A \_\_\_\_\_ Travis Nay

Motion passed, 3-0.

Mr. Olsen made a motion to approve the Findings of Fact as proposed by staff.  
Seconded by Mr. Halliday

A voice vote was made. Motion passed, 3-0.

CASE #1472 – JESSICA & JOSEPH ARELLANO – 50 West 6100 South – Project #13-115

Jessica and Joseph Arellano were present to represent this request. Chad Wilkinson reviewed the location and request for rear and side yard setback variances for a non-conforming existing dwelling in order to subdivide. Murray City Code Section 17.100.080 states, "Residential building lots in the R-1-8 zone shall meet a minimum side yard of eight ft. and the two required side yards shall total 20 ft. The minimum depth of the rear yard is 15 ft. for dwellings constructed before April 7, 1987." The applicants are requesting variances for a non-conforming dwelling which does not comply with the current side and rear yard setbacks in the R-1-8 zone. The existing setback is about 3 ft. on the rear yard and the dwelling is on the property line at the east side. The applicants are requesting a variance in order to subdivide the property into two lots, which will allow a new dwelling to be constructed on the front lot. The Salt Lake

County Recorder's Office information shows that the existing house was constructed in 1946. There was a subdivision recorded on the north side of this property in 1951. The applicants are requesting an eight foot setback variance at the east side yard and 12 foot setback variance at the rear yard. The zoning regulations requires a minimum rear yard setback of 15 feet for dwellings constructed before April 7, 1987 and minimum side yard setback of 8 feet and 20 feet total combined side yard. Based on review and analysis of the application material, subject site and surrounding area, and applicable Murray Municipal Code sections, the Community and Economic Development Staff finds that the rear yard and side yards setback request meet the standards for a variance. Therefore, staff recommends approval.

Mr. Nay asked how far the structure on the property to the north is located. Mr. Wilkinson responded it was part of the 1951 subdivision and may be at least 15 feet, but was unsure of the exact measurement.

Jessica Arellano, 50 West 6100 South, stated they are desiring to split the property in order to build a new home for them as the existing home is too small for their family.

Mr. Nay asked the applicants if they will be able to improve the property and particularly the driveway requirements. It was indicated that the applicants would meet the regulations for the flag lot.

No comments were made by the public.

Mr. Halliday made a motion to grant the variance based upon staff's recommendation and findings of fact. Seconded by Mr. Olsen.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Tom Halliday

A \_\_\_\_\_ Preston Olsen

A \_\_\_\_\_ Travis Nay

Motion passed, 3-0.

Mr. Olsen made a motion to approve the Findings of Fact as proposed by staff. Seconded by Mr. Halliday

A voice vote was made. Motion passed, 3-0.

Meeting adjourned.

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Chad Wilkinson, Manager  
Community & Economic Development